

ORDINANCE NO. 12-87

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 37.3%, WHERE A MAXIMUM OF 30% IS ALLOWED; TO ALLOW SIDE SETBACKS OF 5 FEET, WHERE AT LEAST 5.1 FEET ARE REQUIRED, AND TO ALLOW A REAR SETBACK OF 18.98 FEET, WHERE 20 FEET ARE REQUIRED, CONTRA TO HIALEAH CODE §§ 98-501, 98-502, AND § 98-2056(b)(2). **PROPERTY LOCATED AT 6107 WEST 22 LANE, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of November 14, 2012 recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a lot coverage of 37.3%, where a maximum of 30% is allowed, to allow side setbacks of 5 feet, where at least 5.1 feet are required, and to allow a rear setback of 18.98 feet, where 20 feet are required, to accommodate a terrace enclosed without the benefit of a building permit, contra to Hialeah Code §§ 98-501, 98-502, and 98-2056(b)(2), which provide in pertinent part: “In the R-1 one-family district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than five feet one inch or more than 7.5 feet in width”,

“In the R-1 one-family district, every principal residential building shall provide a rear yard of a minimum depth of 20 feet to a rear lot line or front of an accessory building...” and “A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.”, respectively. Property located at 6107 West 22 Lane, Hialeah, Miami-Dade County, Florida, zoned R-3-5 (Multi-Family District), and legally described as follows:

LOT 27, BLOCK 5 OF SECOND ADDITION TO
BARACOA, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 126, AT PAGE 96, OF
THE PUBLIC RECORDS OF MIAMI-DADE COUNTY,
FLORIDA.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 11 day of December, 2012.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.




Isis Garcia-Martinez
Council President

Attest:

Approved on this 13 day of Dec, 2012.

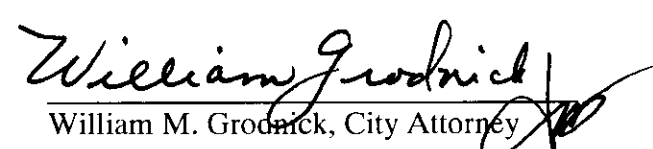


Marbelys Rubio, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

S:\EFILE\LEGISLATION\2012-ORDINANCES\6107West221ane-lotcoverage-side&rearSB-NOV14.doc

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".